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# ISSUANCES

of the  
Meat and Poultry Inspection Program

March 1977



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UNITED STATES DEPARTMENT OF AGRICULTURE  
Animal and Plant Health Inspection Service  
Meat and Poultry Inspection Program  
Washington, D.C. 20250

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection  
Service

## [ 9 CFR Part 325 ]

## DENATURING STANDARD

## Notice of Proposed Rulemaking

• *Purpose.* The purpose of this document is to propose to establish a minimum required darkness for carcasses, parts thereof, or meat food products (other than rendered animal fats) denatured by charcoal or other black dyes. •

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending Part 325 of the Federal meat inspection regulations (9 CFA 325), pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), for the purpose set forth above.

*Statement of considerations.* It appears that carcasses, parts thereof, or meat or meat food products (other than rendered animal fats) darkened by charcoal or other black dyes would be deterred for use as human food if they contain at least that degree of darkness depicted by diagram 1 of the Meat Denaturing Guide (MP Form 91). Copies of MP Form 91 may be obtained, without charge, by writing to the Administrative Operations Branch, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 123 East Grant Street, Minneapolis, Minnesota 55403.

Accordingly, it is proposed to amend § 325.13(a) of the Federal meat inspection regulations (9 CFR 325.13(a)) by adding a new subparagraph (7) to read as follows:

## § 325.13 Denaturing procedures.

(a) \* \* \*

(7) Carcasses, parts thereof, or meat or meat food products (other than rendered animal fats) darkened by charcoal or other black dyes shall be deemed to be denatured pursuant to this section only if they contain at least that degree of darkness depicted by diagram 1 of the Meat Denaturing Guide (MP Form 91).<sup>1</sup>

<sup>1</sup> Copies of MP Form 91 may be obtained, without charge, by writing to the Administrative Operations Branch, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 123 East Grant Street, Minneapolis, Minnesota 55403. Diagrams 2 and 3 of the Meat Denaturing Guide are for comparison purposes only. The Meat Denaturing Guide has been approved for incorporation by reference by the Director, Office of the Federal Register, and is on file at the Federal Register library.

\* \* \* \* \*

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by June 2, 1977.

Persons desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register, December 17, 1976.

Done at Washington, D.C., on February 28, 1977.

F. J. MULHERN,  
Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc.77-6501 Filed 3-3-77;8:45 am]



# proposed rule

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection  
Service

[ 9 CFR Parts 317, 318, and 319 ]

### MILK ALBUMINATE

Use in Certain Sausage Products; Proposed  
Rulemaking

• **Purpose:** The purpose of this document is to propose regulations for the use of milk albuminate in certain sausage products. •

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service of this Department is considering amending Parts 317, 318, and 319 of the meat inspection regulations (9 CFR Parts 317, 318, and 319), under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq., pursuant to a petition by the First Spice Mixing Company, Inc., Long Island City, New York, to permit the use of a specific, dairy-based albuminate in certain sausage products.

**Statement of Considerations.** The proposed amendment is in response to a request by the above-named petitioner that milk albuminate be considered for use in certain sausages on the same basis as the presently approved binders listed in section 319.140 of this subchapter. Such albuminates would be permitted in an amount not exceeding 3.5 percent of the finished product weight when used individually or collectively with other binders already approved for such products.

Use of this substance in certain sausage products would require that its presence in such products be declared in accordance with § 317.8(b)(16) of this subchapter as "Milk Albuminate Added." This labeling policy would coincide with that currently required when other binders are added to sausages.

The Department is concerned that regulation amendments providing for the use of such additional ingredients may result in reductions in the quality and quantity of protein contained in meat products. The specifications attainable in the manufacturing of milk albuminates, according to the petitioner, would not adversely affect the nutritional properties of the sausages in which it would be present as an ingredient.

The specifications are:

Lactose Hydrate, 38-52 percent.

Total Protein, 25-35 percent.

Lactose hydrate to total protein ratio of 3:2.

For the purpose of obtaining informed comments, the public is advised that product complying with the above char-

acteristics has the following additional characteristics:

Albumin protein	Percent	14-24
Casein protein	do	7-20
Minerals	do	7-22
Moisture	do	3-5
Fat	do	0-2
pH	do	6.8-8.3

Milk albuminates which do not meet the above-stated lactose and protein specifications would not be accepted for use in sausage products. This requirement appears to be necessary for purposes of control and detection of milk albuminates that contain excessive lactose and because the desired textural effect imparted to products by the binder material is unlikely to be achieved unless the binder material conforms to such specifications. The Department has been advised that reliable chemical testing procedures have been developed which can be utilized to determine that products are being prepared in conformity with the above specifications.

According to the specifications presented by the petitioner, the amount of protein in the albuminate bears a pre-defined ratio to the amount of lactose present. Therefore, the amount of protein would be calculated and determined from analysis for lactose.

The consumer benefit from the current regulations, which permit the use of certain binders, is the development of products with greater textural differences could be produced, thereby providing a wider range of products from which

selections for purchase can be made. Departmental taste panel tests have indicated that sausages containing milk albuminate cannot be statistically differentiated from similar products prepared with previously approved binders at the same level of use; hence, it appears that the consumer benefit would be preserved and extended through the use of milk albuminates in sausage products.

The proponent requests that milk albuminates, meeting the specifications set forth herein, be permitted in certain sausages on the same basis as other binders. To accommodate such a request, the Federal meat inspection regulations would be amended as set forth below.

#### § 317.8 [Amended]

1. Section 317.8(b)(16) (9 CFR 317.8(b)(16)) would be amended by inserting "milk albuminate" immediately following the words "nonfat dry milk" (in the early portion of the subparagraph), and the phrase "Milk Albuminate Added" would be inserted immediately after the phrase "Nonfat Dry Milk Added" (occurring in latter portion of the paragraph).

2. The chart in § 318.7(c)(4) (9 CFR 318.7(c)(4)) would be amended by inserting the information set forth below in the class of substance "Binders" and immediately following "Isolated Soy Protein."

#### § 318.7 Approval of substances for use in the preparation of products.

Class of substance	Substance	Purpose	Products	Amount
•	•	•	•	•
	Milk albuminate complying with § 318.7(d)(3).	do	Sausage, as provided for in pt. 319 of this subchapter. Imitation sausage; non-specific loaves; soups, stews.	3.5 pct based on weight of finished product. Sufficient for purpose.
•	•	•	•	•

3. Section 318.7 (9 CFR 318.7) would be amended by adding a new paragraph (d) (3) to read as follows:

(d) \* \* \*

(3) Milk albuminate intended for use in meat products, as provided for in § 318.7(c)(4) of this subchapter, shall contain from 38 to 52 percent of lactose hydrate, and from 25 to 35 percent of protein (albumin and casein) and a ratio of lactose hydrate to total protein of 3:2; and shall have the percentage of protein prominently shown on the container label in close proximity to the product name

when it enters the official establishment. Such labeling shall be maintained during storage and until the product is used in meat food products.

#### § 319.140 [Amended]

4. Section 319.140 (9 CFR 319.140) would be amended by inserting "milk albuminate," immediately following the reference to "nonfat dry milk."

#### § 319.180 [Amended]

5. Section 319.180(e) (9 CFR 319.180(e)) and § 319.181 (9 CFR 319.181) would be amended by adding "milk albuminate" immediately after "nonfat dry milk."

The Meat and Poultry Inspection Advisory Committee will be consulted, as prescribed in section 7 of the Act, prior to any final decision. The Federal Food, Drug, and Cosmetic Administrators will also be consulted during this period.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Product Labels, Packaging, and Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by May 16, 1977.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be kept confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be kept confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the *FEDERAL REGISTER*.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on February 8, 1977.

F. J. MULHERN,  
*Administrator, Animal and Plant  
Health Inspection Service.*

[FR Doc.77-4622 Filed 2-14-77;8:45 am]

UNITED STATES DEPARTMENT OF AGRICULTURE  
Animal and Plant Health Inspection Service  
Meat and Poultry Inspection Program  
Washington, DC 20250

MPI BULLETIN 77-34  
3/16/77

**ACTION BY:** Inspectors in Charge and Plant Management

**INFORMATION FOR:** Regional Directors, Area and Circuit Supervisory  
Personnel, and Interested Parties

Chemical Disinfection in Lieu of 180° F. Water

Traditionally, 180° F. water has been used to disinfect implements and surfaces that are contaminated with disease processes. Recent emphasis on energy conservation has created interest in the use of chemical disinfectants. Data must be submitted by the establishment or a designated chemical supplier to the Meat and Poultry Inspection Program (MPI) to demonstrate the efficacy of chemical disinfectants under conditions of use.

The "Disinfectant Testing Guideline" outlined below is an attempt to identify compounds that meet the disinfectant criteria. After January 1, 1978, only those compounds meeting the Environmental Protection Agency (EPA) criteria (item 1 in the guideline) will be considered for additional efficacy testing in the laboratory (item 2) and in the packing plant (item 3). Chemicals currently being used in plants under the auspices of MPI Bulletin 653, dated March 22, 1974, that do not meet the above criteria will be rejected by the inspector in charge.

Establishments should contact their chemical supplier to request that the necessary data be developed and forwarded to the Systems Development and Sanitation Staff (SDS), MPI, APHIS, USDA, Room 2165 South Building, Washington, DC 20250.

The inspector in charge at all establishments using chemicals in lieu of 180° F. water will notify SDS of the chemical in use and the conditions of use, including exposure time and the type of equipment treated.

Disinfectant Testing Guideline

The industry has expressed interest in the use of chemical disinfectants to conserve energy in lieu of 180° F. water. The following guidelines will be followed to assure the use of efficacious products:

DISTRIBUTION: A-0,  
P,Q,S,U,U-2 (Issuances)

CATEGORY: B--Sanitation

REGS: 308.8c

OPI: SDS

MANUAL: 318.14C2



3/16/77

1. To be considered, a compound must have passed EPA requirements for:

a. A hospital disinfectant using the AOAC Use-Dilution Method and the organisms they prescribe, and

b. A tuberculocide using the AOAC test 4.048.

2. If the "conditions of use" for the proposed compound will differ from the standardized conditions prescribed in the AOAC tests, additional laboratory tests must be conducted to establish the range or limits of efficacy for the variables tested. Variables such as exposure times of less than 10 minutes, pH range, temperature of application, water hardness, organic matter and other factors may enter into the need for additional testing. Prior to testing, interested parties should submit to SDS their proposed testing format for review. It must be an appropriate modification of the applicable AOAC procedure.

3. Inplant efficacy tests must be conducted on proposed disinfectants that pass the laboratory tests. The results of inplant tests for chemical disinfection of equipment will be compared with results of tests using 180° F. water. The 180° F. water must be applied in an efficacious manner. The testing format must be submitted to SDS for review prior to testing.

4. The plant must develop operating instructions that will assure efficacious application of the chemical. For example, the surface to be disinfected must first be thoroughly cleaned of all visible organic residue. The instructions will be used by plant personnel and Government inspectors to control and evaluate the system on an ongoing basis.

The need for a continuing microbiological monitoring procedure will be determined by SDS for each application until sufficient background is developed to issue standardized testing guidelines.



V. H. Berry  
Acting Deputy Administrator  
Meat and Poultry Inspection





UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
MEAT AND POULTRY INSPECTION PROGRAM  
WASHINGTON, D. C. 20250

## Meat and Poultry Inspection Manual

March 1977

CHANGE: 77-3

### MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page	Numbered
261 and 262	261 and 262	77-3

#### Pen-and-Ink Changes

##### Manual:

Page 108, section 16.3, line 1, delete "(Meat)."

Page 131, section 18.16(b), line 8, change "98<sup>0</sup>" to "120<sup>0</sup>."

Page 258, section 22.60(a), change the last paragraph to read: "The same MPI veterinarian must sign all certificates (followed by DVM)."

Page 280, section 27.4(c), Minimum Requirements, delete entire section.

##### MPI Directive 918.1:

Page 5, line 5 from bottom of page, cross off "and/or syrxinx."



## 22.67 VENEZUELA

## (a) Meat Products

Pork. The following certification in Spanish and English may be added to the reverse of the regular export certificate or on letterhead stationery:

"I certify that the product shipped under the certificate has been processed by a method, approved by the United States Department of Agriculture, which is adequate to destroy any possible live trichinae. I further certify that this product has been held in a freezer for a  
 \* period of not less than \_\_\_\_\_ hours  
 \* at a temperature not in excess of  
 \* \_\_\_\_\_ ° F."

\_\_\_\_\_  
 (Signature)

"Yo certifico que el producto enviado y amparado por este certificado ha sido processado por metodos aprobados por el Departamento de Agricultura de los Estados Unidos y que son adecuados para destruir cualquier tricquina que pudiera existir. Asimismo certifico que este producto ha sido mantenido en un congelador  
 \* durante un periodo no menor de \_\_\_\_\_  
 horas y a una temperatura no  
 \* excediendo \_\_\_\_\_ grados Fahrenheit."

\* In addition to times and temperatures shown in Section 318.10 of the regulations, Venezuela will accept frozen pork product which has been treated for destruction of trichinae by alternate approved methods, as follows:

\* 0°F. for 96 hours  
 \* -5°F. for 72 hours  
 \* -10°F. for 56 hours  
 \* -15°F. for 43 hours  
 \* -20°F. for 30 hours  
 \* -25°F. for 17 hours

\* Inspector signing export certificate  
 \* will enter time and temperature used  
 \* in both English and Spanish certifications shown above.

(b) Poultry Products  
 Issue Form MP 506.

## 22.67-A YUGOSLAVIA /

## Meat Products

Issue MP Form 412-3, and the additional certification typed on USDA/APHIS letterhead stationery as follows:

VETERINARY CERTIFICATE

Certificate No. \_\_\_\_\_  
 (Serial No. of accompanying MP Form 412-3).

1. The (product name) described herein comes from (species) which were inspected before and after slaughter and were found free of contagious diseases.

2. The preparation and freezing of the product described herein has been accomplished in establishments under constant veterinary inspection.

3. The products in this shipment are suitable, after defrosting, for manufacture into products for human consumption.

Signed \_\_\_\_\_  
 Veterinary Medical Officer

## 22.68 WESTERN SAMOA

## Poultry Products

Only veterinary inspectors will issue MP Form 506 for ready-to-cook poultry.

## PART 23

## LABORATORY SERVICES

## CHEMISTRY

## Subpart 23-A

(Regs: M-318; P-Subpart O)

## 23.1 CHEMISTRY LABORATORIES

## (a) Type of Analysis

Chemistry laboratories conduct general chemical analysis of meat and/or poultry products to determine moisture, protein, salt, nitrite, nitrate, total fat, animal fat, etc. They also analyze products for biological residues, nonmeat or non-poultry food additives, and various chemical compounds used in federally inspected plants.

## (b) MPI Laboratory

Laboratories serving designated geographical areas and their code numbers are:

San Francisco, California	0601
Washington, D.C.	1101
Athens, Georgia	1301
Kansas City, Kansas	2001
St. Louis, Missouri	2901
Omaha, Nebraska	3101
Peoria, Illinois	1702

Address and telephone number of these laboratories may be found in the "Working Reference" (Directory of Meat and Poultry Inspection Program Establishments, Circuits and Officials).

## (c) AQC Laboratory

A plant or commercial laboratory approved by STS-SDS to analyze samples

in conjunction with approved quality control systems.

## (d) Certified Laboratory

A plant or commercial laboratory certified by STS-CH for analysis of only water, protein, salt and fat in meat and/or poultry products.

The inspector may use results from certified laboratory with same authority as from an MPI laboratory.

Name, address, and telephone number of certified laboratories are listed in the working reference.

(1) Companion and verification samples. When a plant elects to use a certified laboratory and is under lot inspection, the inspector should submit companion samples to MPI laboratory to determine the certified laboratory's continued analytical capability. He shall submit about 25 percent of the samples sent to the certified laboratory and withhold identity of such samples from certified laboratory and plant.

When a plant is under AQC, verification samples are submitted to MPI laboratory to determine accuracy of such control.

(2) Correlation of Results. MPI laboratories shall summarize companion sample results biweekly and send a copy to STS-CH.

Certified laboratories shall summarize official sample results and report them biweekly to STS-CH on Form MP 19, which will be signed also by the inspector, if the certified laboratory is a plant laboratory.

The two sets of results will be matched by computer.

When insufficient correlation exists between paired samples or when official





UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
MEAT AND POULTRY INSPECTION PROGRAM  
WASHINGTON, D. C. 20250

MEAT AND POULTRY INSPECTION REGULATIONS

MARCH 1977

CHANGE: 77-3

**MAINTENANCE INSTRUCTIONS**

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Subpart S--Meat Baby Foods  
[Reserved]

Subpart T--Dietetic Meat Foods  
[Reserved]

Subpart U--Miscellaneous

- 319.880 Breaded products.  
319.881 Liver meat food products.

PART 320-RECORDS, REGISTRATION, AND REPORTS

- Sec.  
320.1 Records required to be kept.  
320.2 Place of maintenance of records.  
320.3 Record retention period.  
320.4 Access to and inspection of records, facilities and inventory; copying and sampling.  
320.5 Registration.  
320.6 Information and reports required from official establishment operators.  
320.7 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

PART 321-COOPERATION WITH STATES AND TERRITORIES

- Sec.  
321.1 Assistance to State and Territorial programs.  
321.2 Cooperation of States in Federal programs.

PART 322-EXPORTS<sup>1</sup>

- Sec.  
322.1 Manner of affixing stamps and marking products for export.  
\* 322.2 Export certificates; instructions concerning issuance. \*  
322.3 Transferring products for export.  
322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.  
322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

PART 325-TRANSPORTATION

- Sec.  
325.1 Transactions in commerce prohibited without official inspection legend or certificate; exceptions; and vehicle sanitation requirements.

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<sup>1</sup>Attention is directed to the requirements of Part 325 of this subchapter, governing transportation, and to the requirements of §318.8 of this subchapter that products prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.

PART 335 - RULES OF PRACTICE GOVERNING PROCEEDINGS  
UNDER THE FEDERAL MEAT INSPECTION ACT

Subpart A--General

\* Sec. \*

\* 335.1 Scope and applicability of rules of practice. \*

\* Subpart B--Supplemental Rules of Practice \*

\* 335.10 Refusal or withdrawal of inspection service under section \*

\* 401 of the Act. \*

\* 335.11 Withdrawal of inspection service for failure of an establishment to \*

\* destroy any condemned carcass or part thereof or any condemned \*

\* meat or meat food products. \*

\* 335.12 Withholding use of marking, labeling, or containers from use under \*

\* section 7 of the Federal Meat Inspection Act. \*

\* 335.13 Refusal or withdrawal of inspection service under the Federal Meat \*

\* Inspection Act for failure to maintain sanitary conditions. \*

\* Subpart C--Rules Applicable to Suspension of Assignment \*

\* of Inspectors for Threats to Forcibly Assault or \*

\* Forcible Assault, Intimidation or Interference \*

\* With Any Inspection Service Employee \*

\* 335.20 Notification to operator of establishment of incident. \*

\* 335.21 Procedure upon failure of operator of establishment to take action \*

\* required by section 305.5(b) of the regulations. \*





subchapter, to be applied to imported meat and meat food products shall be in the appropriate form<sup>1</sup> as hereinafter specified:



For application to carcasses, primal parts, and cuts, not in containers.



For application to outside containers.

(b) When import inspections are performed in official establishments, the official inspection legend, required by Part 327 of this subchapter, to be applied to imported meat and meat food products shall be the appropriate form as specified in § 312.2 of this Part.

---

<sup>1</sup> The number I-38 is given as an example only. The establishment number of the official import inspection establishment where the product is inspected shall be used in lieu thereof.

(c) When products are refused entry into the United States, the official mark, when required by Part 327 of this subchapter, to be applied to the products refused entry shall be in the following form:

# UNITED STATES REFUSED ENTRY

(d) Devices for applying such marks will be furnished to Program inspectors by the Department.

§ 312.8 Official export inspection marks, devices, and certificates.

\* (a) The official export meat inspection mark required by Part 322 of  
\* this subchapter shall be in the following form as hereinafter specified:<sup>1/</sup> \*



\* Any rubber stamp approved by the Administrator, in the manner provided for in  
\* Part 317 of this subchapter, and bearing the official mark prescribed in this  
\* paragraph shall be an official device for the purposes of the Act. \*

(b) The official export certificate required by Part 322 of this subchapter is a paper certificate form for signature by a Program employee bearing the legend:

\* <sup>1/</sup> The number "529893" is given as an example only. The number of the  
\* official export certificate will be shown in lieu thereof. \*

United States  
Department of Agriculture  
Animal and Plant Health Inspection Service  
Meat Inspection

and the seal of the United States Department of Agriculture, with a certification that meat or meat food product described on the form is from animals that received ante-mortem and post-mortem inspection and were found sound and healthy and that it has been inspected and passed as provided by law





(b) The Administrator is also authorized under paragraph (a) of section 301 of the Act to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those in Title II of the Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased livestock; and products not intended for human food), when he determines that such cooperation would effectuate the purposes of the Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or Territory) may not exceed 50 percent of the estimated total cost of the cooperative State (or Territorial) program. A cooperative program under this section is called a State-Federal program.

#### § 321.2 Cooperation of States in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962, (7 U.S.C. 450), the Administrator is authorized to utilize employees and facilities of any State in carrying out Federal functions under the Federal Meat Inspection Act. A cooperative program for this purpose is called a Federal-State program.

### PART 322-EXPORTS<sup>1</sup>

AUTHORITY: The provisions of this Part 322 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962, (7 U.S.C. 450); Act of July 24, 1919, (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

#### § 322.1 Manner of affixing stamps and marking products for export.

- \* (a) The outside container (including cloth wrappings) of any inspected \*  
\* and passed product for export, except ship stores and small quantities \*  
\* exclusively for the personal use of the consignee and not for sale or distri- \*  
\* bution, shall be marked with an official export stamp, as shown in § 312.8 of \*  
\* this subchapter, bearing the number of the export certificate. \*
- \* (b) Each tank car of inspected and passed lard or similar edible product, \*  
\* and each door of each railroad car or other closed means of conveyance, con- \*  
\* taining inspected and passed loose product shipped directly to a foreign \*  
\* country, shall be marked with an official export stamp, as shown in § 312.8 of \*  
\* this subchapter, bearing the number of the export certificate. \*

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<sup>1</sup> Attention is directed to the requirements of Part 325 of this subchapter, governing transportation, and to the requirements of § 318.8 of this subchapter that products prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.

§ 322.2 Export certificates; instructions concerning issuance.

(a) Upon application of the exporter, the inspector in charge is authorized to issue official export certificates for shipments of inspected and passed product to any foreign country. Certificates should be issued at the time the products leave the official establishment; if not issued at that time they may be issued later only after identification and reinspection of the products.

(b) Official export certificates shall be issued with serial numbers and in triplicate form. Quadruplicate certificates may be issued for any exportation on request of the exporter. Each certificate shall show the names of the exporter and the consignee, the destination, the number and types of packages, the shipping marks, the kinds of products, and the weight of the products in accordance with § 317.2 of this subchapter.

(c) Only one certificate shall be issued for each consignment, except that for sufficient reasons new certificates in lieu of the original certificates may be issued. A certificate issued in lieu of another shall show in the left hand margin the notation "Issued in lieu of \* \* \*", and the number of the certificate which is superseded. The certificate that is superseded when another is issued in lieu thereof, shall if available, be surrendered to the inspector in charge and marked by him to show in the left hand margin the number of the certificate which supersedes it, as follows: "Superseded by No. \_\_\_\_\_".

(d) The original of the certificate shall be delivered to the shipper and may be furnished by him to the consignee for purposes of effecting the entry of product into the foreign country of destination.

(e) The duplicate of the certificate shall be delivered to the shipper and shall be delivered by him to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made, and shall be used only by such carrier and only for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such duplicate with the Customs officer at the time of filing the master's manifest or the supplemental manifest.

(f) The triplicate of the certificate shall be retained in the circuit file.

(g) Under no circumstances shall the original or the triplicate of such certificate be used for the purpose prescribed by paragraph (e) of this section for the duplicate.

\* (h) Upon request, official export certificates may be issued by inspec- \*  
\* tors for export consignments of product of official establishments not under \*  
\* their supervision, provided the consignments are first identified as having  
\* been "U.S. inspected and passed" and are found to be neither adulterated nor \*  
\* misbranded, and marked as required by § 322.1.

#### § 322.3 Transferring products for export.

When inspected and passed products for export are transferred from tank cars to other containers on vessels, such transfer shall be done in accordance with the provisions of Part 350 of Subchapter B of this chapter.

#### § 322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any products, unless and until an official export certificate covering the same has been issued and delivered as provided in this part, except in the case of inspected and passed ship stores and not more than 50 pounds of inspected and passed product for the exclusive personal use of the consignee and not for sale or distribution, and except for exempted product eligible for exportation under the provisions of the Act and the regulations in this subchapter and inedible product that is not capable of use as human food and is eligible for exportation under other provisions of said regulations.

#### § 322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

No tallow, stearin, oleo oil, or the rendered fat derived from the carcasses of livestock, that has not been inspected and passed, and so marked in compliance with the regulations in this subchapter shall be exported, unless the product has been denatured as required by § 314.5 or § 325.13 of this subchapter or identified and marked as prescribed by § 325.11 of this subchapter, and unless the exporter files with the Director of Customs at the port from which the export shipment is made a certificate so stating.

### PART 325-TRANSPORTATION

AUTHORITY: The provisions of this Part 325 issued under sec. 21, Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. Supp., sec. 601 et seq.), and Public Law 91-342; Talmadge-Aiken Act of Sept. 28, 1962, (7 U.S.C. 450); Act of July 24, 1919, (7 U.S.C. 394); subsection 21(b), Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws.

#### § 325.1 Transactions in commerce prohibited without official inspection legend or certificate; exceptions; and vehicle sanitation requirements.



(a) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any product which is capable of use as human food unless the product and its container, if any, bear the official inspection legend as required under Parts 316 and 317 of this subchapter or such product is exempted from the requirement of inspection under Part 303 of this subchapter.

(b) No carrier shall transport or receive for transportation in commerce (including transportation in the course of importation) and no person shall offer for such transportation any carcass, part thereof, meat or meat food product unless and until a certificate is made and furnished to such carrier in one of the forms prescribed in this part: Provided, That any product offered for importation into the United States may be transported and offered and received for transportation without such certificate, if such product is conveyed prior to inspection, to an authorized place of inspection, in railroad cars or other means of conveyance, or packages, sealed with special official import meat seals of the Department or with customs or consular seals or otherwise identified as provided in Part 327 of this subchapter: And provided further, That no such certificate is required for any product exempted from inspection under subsection 23(a) of the Act or any article handled in accordance with § 325.11(e)(2), (3), or (4).

(c) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, meat or meat food products capable of use as human food, or importing such articles, shall transport, offer for transportation, or receive for transportation in commerce or in any State designated under § 331.2 of this subchapter, any such meat or meat food product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants, unless the railroad car, truck or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings. In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that product placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the means of conveyance prior to its use. Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any official establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Program's discretion and shall be adequate to determine if product in such conveyance is, or when moved could become, adulterated. Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en route. Any means of conveyance found upon such inspection to be in such condition that product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with § 318.2(d) of this subchapter.



§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

PART 330-[RESERVED]

PART 331-SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES;  
AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH  
AND FOR SUCH DESIGNATED ESTABLISHMENTS

AUTHORITY: The provisions of this Part 331 issued under secs. 21, 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

SOURCE: The provisions of this Part 331 appear at 35 F.R. 1967, Dec. 29, 1970, unless otherwise noted.

§ 331.1 Definition of "State".

For purposes of this Part, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

Effective date of application  
of Federal provisions

California.....	April 1, 1976
Colorado.....	July 1, 1975
Connecticut.....	October 1, 1975
Guam.....	January 21, 1972

Kentucky.....	January 14, 1972	
Massachusetts.....	January 12, 1976	
Minnesota.....	May 16, 1971	
Missouri.....	August 18, 1972	
Montana.....	April 27, 1971	
Nebraska.....	October 1, 1971	
Nevada.....	July 1, 1973	
New Jersey.....	July 1, 1975	
New York.....	July 16, 1975	
North Dakota.....	June 22, 1970	
* Ohio.....	April 10, 1977	*
Oregon.....	July 1, 1972	
Pennsylvania.....	July 17, 1972	
Puerto Rico.....	June 18, 1971	
Tennessee.....	October 1, 1975	
Virgin Islands.....	November 27, 1971	
Washington.....	June 1, 1973	

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 302.1(a)(2) of this subchapter, shall obtain approval of plant drawings as specified in § 304.2 of this subchapter within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations of this subchapter.

(c) Section 308.4 of this subchapter shall apply to such establishments, except that separate toilet rooms for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house

thereof; or (3)  
business as a  
renderer, or in the  
business of buying,  
selling, or trans-  
porting any dead,  
dying, disabled, or  
diseased livestock  
or parts of carcasses  
of any livestock that  
died otherwise than  
by slaughter.

Act, 203; § 320.5.

Persons engaged (not	California	4-1-76
in or for commerce)	Colorado	7-1-75
in business as a	Connecticut	10-1-75
meat broker; renderer;	Guam	11-19-76
animal food manu-	Kentucky	4-18-75
facturer; whole-	Massachusetts	1-12-76
salers or public	Minnesota	1-31-75
warehouseman of	Missouri	1-31-75
livestock car-	Montana	1-31-75
casses, or parts or	Nebraska	1-31-75
products thereof;	Nevada	1-31-75
or buying, selling,	New Jersey	7-1-75
or transporting any	New York	7-16-75
dead, dying, disabled	North Dakota	7-23-75
or diseased live-	Oregon	1-31-75
stock, or parts	Pennsylvania	5-2-74
of carcasses of any	Puerto Rico	11-19-76
such livestock that	Tennessee	10-1-75
died otherwise than	Virgin	

by slaughter.

Act, 204; §§ 325.20  
and 325.21.

Persons engaged (not	Islands	11-19-76
in or for commerce)	Washington	1-31-75
in the business of	Connecticut	10-1-75
buying, selling, or	Guam	11-19-76
transporting any	Kentucky	4-18-73
dead, dying, dis-	Massachusetts	1-12-76
abled or diseased	Minnesota	1-31-75
animals, or parts	Montana	1-31-75
of carcasses of	Nevada	1-31-75
any animals that	New Jersey	7-1-75
died otherwise	New York	7-16-75
than by slaughter.	North Dakota	7-23-75
	Oregon	1-31-75
	Pennsylvania	5-2-74
	Puerto Rico	11-19-76
	Virgin	
	Islands	11-19-76
	Washington	1-31-75



PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS  
UNDER THE FEDERAL MEAT INSPECTION ACT

\* Authority: 34 Stat. 1264, as amended; 21 U.S.C. 621. \*

\* Subpart A - General \*

\* § 335.1 Scope and applicability of rules of practice. \*

\* (a) The Uniform Rules of Practice for the Department of Agriculture  
\* promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal  
\* Regulations, are the Rules of Practice applicable to adjudicatory, administra-  
\* tive proceedings under sections 4, 6, 7(e), 8, and 401 of the Federal Meat  
\* Inspection Act (21 U.S.C. 604, 606, 607(e), 608 and 671). In addition, the  
\* Supplemental Rules of Practice set forth in Subpart B of this Part shall be  
\* applicable to such proceedings. \*

\* (b) The rules of practice set forth in Subpart C of this Part shall be  
\* applicable to the suspension of assignment of inspectors for threats to  
\* forcibly assault or forcible assault, intimidation or interference with any  
\* inspection service employee pursuant to section 305.5(b) of the regulations  
\* (9 CFR 305.5(b)) under the Federal Meat Inspection Act. In addition, the  
\* definitions applicable to proceedings under the Uniform Rules of Practice  
\* (7 CFR 1.132) shall apply with equal force and effect to proceedings under  
\* Subpart C. \*

\* Subpart B - Supplemental Rules of Practice \*

\* § 335.10 Refusal or withdrawal of inspection service under section 401 of  
\* the Act. \*

\* If the Administrator has reason to believe that the applicant for or  
\* recipient of service under Title I of the Act is unfit to engage in any  
\* business requiring such inspection because of any of the reasons specified  
\* in section 401 of the Act, he may institute a proceeding by filing a complaint  
\* with the Hearing Clerk, who shall promptly serve a true copy thereof upon each  
\* respondent, as provided in section 1.147(b) of the Uniform Rules of Practice  
\* (9 CFR 1.147(b)). \*

\* § 335.11 Withdrawal of inspection service for failure of an establishment  
\* to destroy any condemned carcass or part thereof or any condemned meat  
\* or meat food product. \*

\* (a) In any situation in which the Administrator has reason to believe  
\* that an establishment which receives inspection service under Title I of the  
\* Federal Meat Inspection Act has failed to destroy any condemned carcass or  
\* part thereof or any condemned meat or meat food product, as required under  
\* sections 4 and 6 of the Federal Meat Inspection Act (21 U.S.C. 604 and 606)  
\* and the regulations in this subchapter, he may notify the operator of the  
\* establishment, orally or in writing, of the Administrator's intent to withdraw  
\* (for such period or indefinitely as the Administrator deems necessary to  
\* effectuate the purposes of the Act) inspection service from the establishment,  
\* pursuant to sections 4, 6, and 401 of the Act (21 U.S.C. 604, 606 and 671) \*

\* and section 305.5(a) of the regulations (9 CFR 305.5(a)), if the establishment \*  
\* fails to destroy the condemned articles involved, as specified in the \*  
\* notification, within three days of the receipt of the notification by the \*  
\* operator of the establishment. In the event of oral notification, a written \*  
\* confirmation shall be given, as promptly as circumstances permit, to the \*  
\* operator of the establishment of the intent to withdraw inspection. The \*  
\* written notification or confirmation shall be served upon the operator of the \*  
\* establishment in the manner prescribed in § 1.147(b) of the Uniform Rules of \*  
\* Practice (7 CFR 1.147(b)). \*

\* (b) If any establishment so notified fails to destroy any condemned \*  
\* carcass or part thereof or any condemned meat or meat food product as specified \*  
\* in the notice, the Administrator may issue and file a complaint in accordance \*  
\* with the Uniform Rules of Practice. Effective upon service of the complaint, \*  
\* inspection service under the Act shall be withdrawn from such establishment \*  
\* as provided in sections 4, 6, and 401 of the Federal Meat Inspection Act \*  
\* (21 U.S.C. 604, 606, and 671), pending final determination in the proceeding. \*

\* § 335.12 Withholding use of marking, labeling, or containers from use under \*  
\* section 7 of the Federal Meat Inspection Act. \*

\* (a) In any situation in which the Administrator determines that any \*  
\* marking or labeling or size or form of any container in use or proposed for use \*  
\* with respect to any article subject to Title I of the Federal Meat Inspection \*  
\* Act is false or misleading in any particular, he shall notify, in writing, the \*  
\* person, firm, or corporation using or proposing to use such marking, labeling, \*  
\* or container, that such use shall be withheld unless the marking, labeling, or \*  
\* container is modified in such a manner as the Administrator may prescribe so \*  
\* that it would not be false or misleading. \*

\* (b) The written notification shall briefly set forth the reason for \*  
\* withholding the use of the marking, labeling, or container, and shall offer the \*  
\* respondent an opportunity to submit a written statement by way of answer to the \*  
\* notification and a right to request a hearing with respect to the merits or \*  
\* validity of the withholding action. The written notification shall be served \*  
\* in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice \*  
\* (7 CFR 1.147(b)). \*

\* (c) Effective upon service of the notification, the use of the marking, \*  
\* labeling, or container shall be withheld, if the Administrator so directs. \*

\* (d) If any person, firm, or corporation so notified fails to accept the \*  
\* determination of the Administrator and files an answer and requests a hearing, \*  
\* and the Administrator, after review of the answer, determines the initial \*  
\* determination to be correct, he shall file with the Hearing Clerk the notifica- \*  
\* tion, answer and request for hearing, which shall constitute the complaint and \*  
\* answer in the proceeding, which shall thereafter be governed by the Uniform \*  
\* Rules of Practice. \*

\* § 335.13 Refusal or withdrawal of inspection service under the Federal Meat \*  
\* Inspection Act for failure to maintain sanitary conditions. \*

\* (a) In any situation in which the Administrator determines that the \*  
\* sanitary conditions of an establishment which is applying for inspection or \*  
\* receiving inspection under Title I of the Federal Meat Inspection Act are such \*  
\* that any meat or meat food product prepared therein are or would be rendered \*



\* adulterated, he shall refuse to allow said meat or meat food products to be \*  
\* labeled, marked, stamped, or tagged as "inspected and passed," pursuant to \*  
\* section 8 of the Act (21 U.S.C. 608). The Administrator shall notify the \*  
\* applicant or operator of the establishment, orally or in writing, as promptly \*  
\* as circumstances permit, of such refusal to inspect and pass the meat or meat \*  
\* food products and the reasons therefor, and the action which the Administrator \*  
\* deems necessary to eliminate the insanitary conditions. In the event of oral \*  
\* notification, written confirmation shall be given, as promptly as circumstances \*  
\* permit, to the applicant or operator of the establishment in the manner \*  
\* prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)). \*

\* (b) If any applicant or operator of an establishment so notified fails to \*  
\* take the necessary action to eliminate the insanitary conditions within the \*  
\* period specified in the notice, the Administrator may issue a complaint in \*  
\* accordance with the Uniform Rules of Practice. Effective upon service of the \*  
\* complaint, inspection service shall be refused or withdrawn from such \*  
\* establishment as provided in sections 8 and 401 of the Act pending final \*  
\* determination in the proceeding. \*

\* Subpart C - Rules Applicable to Suspension of Assignment \*  
\* of Inspectors for Threats to Forcibly Assault or Forcible Assault, \*  
\* Intimidation or Interference With Any Inspection Service Employee \*

\* § 335.20 Notification to operator of establishment of incident. \*

\* In any situation in which a supervisor of an inspection service employee \*  
\* determines that the operator of any official establishment or any subsidiary \*  
\* therein, or any officer, employee, or agent of any such operator or any \*  
\* subsidiary therein, acting within the scope of his office, employment, or \*  
\* agency, has threatened to forcibly assault or has forcibly assaulted, \*  
\* intimidated or interfered with any inspection service employee, under his \*  
\* supervision, in or on account of the performance of the employee's official \*  
\* duties under the Act, he shall notify the operator of the establishment, \*  
\* orally or in writing, of the incident in accordance with section 305.5(b) of \*  
\* the regulations in this subchapter (9 CFR 305.5(b)). \*

\* § 335.21 Procedure upon failure of operator of establishment to take action \*  
\* required by section 305.5(b) of the regulations. \*

\* (a) If any operator of an establishment notified pursuant to § 335.20 fails to \*  
\* promptly take any of the actions specified in section 305.5(b) of the regula- \*  
\* tions (9 CFR 305.5(b)), the Administrator may suspend the assignment of \*  
\* inspectors at that establishment, in whole or in part, as the Administrator \*  
\* determines necessary to avoid impairment of the effective conduct of inspection \*  
\* service, by notifying the operator of the establishment, orally or in writing, \*  
\* of such suspension. In the event of oral notification, a written confirmation \*  
\* shall be given, as promptly as circumstances permit, to the operator of the \*  
\* establishment. The written notification or confirmation shall be served upon \*  
\* the operator of the establishment in the manner prescribed in § 1.147(b) of \*  
\* the Uniform Rules of Practice (7 CFR 1.147(b)). \*

\* (b) The written notification or confirmation, specified in paragraph (a) \*  
\* of this section, which shall constitute the complaint in the proceeding, shall \*  
\* briefly set forth the reason for the suspension of the assignment of inspectors,\*

\* including allegations of fact which constitute a basis for the action. The \*  
\* complaint shall offer the respondent opportunity to submit a specific written \*  
\* statement by way of answer and the right to request a hearing with respect \*  
\* to the merits or validity of the suspension action, and shall state the time \*  
\* within which answer by the respondent must be made, which shall not be less \*  
\* than 10 days after service of the complaint. At any time prior to the close of \*  
\* the hearing, the complaint may be amended; but, in case of an amendment adding \*  
\* new provisions, the hearing shall, on the request of the respondent, be \*  
\* adjourned for a period not exceeding 15 days, if the judge determines that such \*  
\* an adjournment is necessary to avoid prejudice to the respondent. \*  
\* (c) A copy of the complaint served upon the respondent shall be filed \*  
\* with the Hearing Clerk who shall assign the matter a docket number. \*  
\* (d) After the complaint is served upon the respondent, as provided in \*  
\* paragraphs (a) and (b) of this section, the proceeding shall thereafter be \*  
\* conducted in accordance with rules of practice which shall be adopted for the \*  
\* proceeding. \*



- 381.206 Labeling of shipping containers of imported poultry products.
- 381.207 Small importations for consignee's personal use, display, or laboratory analysis.
- 381.208 Imported poultry products to be handled and transported as domestic; entry into official establishments; transportation.
- 381.209 Returned United States inspected and marked poultry products; exemption.

Subpart U-Detention; Seizure and Condemnation; Criminal Offenses

- 381.210 Poultry and other articles subject to administrative detention.
- 381.211 Method of detention; form of detention tag.
- 381.212 Notification of detention to the owner of the article detained, or his agent, or person having custody.
- 381.213 Notification of governmental authorities having jurisdiction over article detained; form of written notification.
- 381.214 Movement of poultry or other article detained; removal of official marks.
- 381.215 Poultry or other articles subject to judicial seizure and condemnation.
- 381.216 Procedure for judicial seizure, condemnation, and disposition.
- 381.217 Authority for condemnation or seizure under other provisions of law.
- 381.218 Criminal offenses.

Subpart V-Special Provisions for Designated States and Territories;  
Criteria and Procedure for Designating Establishments With  
Operations Which Would Clearly Endanger the Public Health;  
Disposition of Poultry Products Therein

- 381.220 Definition of "State".
- 381.221 Designation of States under paragraph 5(c) of the Act.
- 381.222 States designated under paragraph 5(c) of the Act; application of regulations.
- 381.223 Control and disposition of nonfederally inspected poultry products in States designated under paragraph 5(c) of the Act.
- 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.
- 381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

*	Subpart W - Rules of Practice Governing Proceedings	*
*	Under the Poultry Products Inspection Act	*
*	General	*
*	Sec.	*
*	381.230 Scope and applicability of rules of practice.	*
*	Supplemental Rules of Practice	*
*	381.231 Refusal or withdrawal of inspection service under section 18(a) of	*
*	the Act.	*
*	381.232 Withdrawal of inspection service for failure of an establishment to	*
*	destroy any condemned carcass or part thereof or any condemned	*
*	poultry product.	*
*	381.233 Withholding use of marking, labeling or containers from use under	*
*	section 8 of the Poultry Products Inspection Act.	*
*	381.234 Refusal or withdrawal of inspection service under the Poultry Products	*
*	Inspection Act for failure to comply with requirements as to	*
*	premises, facilities, equipment, or the operation thereof.	*
*	Rules Applicable to the Suspension of Assignment of	*
*	Inspectors for Threats to Forcibly Assault or Forcibly Assault,	*
*	Intimidation or Interference with any Inspection Service Employee	*
*	381.235 . Notification to operator of establishment of incident.	*
*	381.236 Procedure upon failure of operator of establishment to take action	*
*	required by section 381.29 of the regulations.	*



(2) However, certification under subsection 21(b) of the Federal Water Pollution Control Act is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification or to meet the other requirements of subsection 21(b) prior to April 1, 1973, will result in the termination of inspection at such facilities on that date.

(3) Further, any application for inspection pending on April 3, 1970, and granted within 1 year thereafter shall not require certification for 1 year following the grant of inspection but such grant of inspection shall terminate at the end of 1 year after its issuance unless prior thereto such certification has been obtained and the other requirements of subsection 21(b) are met.

(4) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification is required prior to the grant of inspection but such grant will be conditioned upon a requirement of compliance with the purpose of the Federal Water Pollution Control Act as provided in paragraph 21(b)(9) of said Act.

Subpart E-Inauguration of Inspection; Official Establishment Numbers;  
Separation of Establishments and Other Requirements;  
Withdrawal of Inspection

§ 381.25 Official establishment numbers.

An official establishment number shall be assigned to each establishment granted inspection service. Such number shall be used to identify all containers of inspected poultry products prepared in the establishment. An establishment shall not have more than one establishment number.

§ 381.26 Separation of establishments.

Each official establishment shall be separate and distinct from any other official establishment and from any unofficial establishment except an establishment preparing meat products under the Federal Meat Inspection Act or under State meat inspection. Further, doorways, or other openings, may be permitted between establishments at the discretion of the Administrator and under such conditions as he may prescribe.

§ 381.27 Inauguration of service; notification concerning regulations; status of uninspected poultry products.

The inspector in charge or his supervisor shall, upon or prior to the inauguration of service, inform the operator of the establishment of the requirements of the regulations. If the establishment at the time service is inaugurated contains any poultry product which has not been inspected and

marked in compliance with the regulations, its identity shall be maintained, and it shall not be represented or dealt with as a product which has been inspected. Such products may not be shipped in commerce unless such products are eligible for such shipment under an exemption from inspection under Subpart C and comply with all requirements of said subpart.

§ 381.28 Report of violations.

Each inspector, agent, representative, or employee of the Inspection Service shall report, in the manner prescribed by the Administrator, all violations of the Act and noncompliance with the regulations of which he has knowledge.

§ 381.29 Suspension or other withdrawal of inspection service.

- \* (a) Inspection service may be withdrawn in accordance with section 18 \*
- \* of the Act and the applicable rules of practice. \*
- \* (b) During a period of withdrawal, no processing of poultry or poultry \*
- \* products subject to the inspection requirements of the Act shall be carried \*
- \* on in the official establishment. However, any product which was inspected and \*
- \* passed prior to the withdrawal may be shipped from the official establishment, \*
- \* provided its identity was maintained, and it has not become adulterated or \*
- \* misbranded. \*
- \* (c) Inspection may be suspended, revoked, or terminated as provided in \*
- \* subsection 21(b) of the Federal Water Pollution Control Act, as amended.

\* (d) The assignment of inspectors may be temporarily suspended, in whole \*  
\* or in part, by the Administrator, to the extent he determines necessary to \*  
avoid impairment of the effective conduct of the inspection service when the  
operator of any official establishment or any subsidiary therein, or any  
officer, employee, or agent of any such operator or any subsidiary therein,  
acting within the scope of his office, employment, or agency, threatens to  
forcibly assault or forcibly assaults, intimidates, or interferes with any  
inspection service employee in or on account of the performance of his  
official duties under the Act, unless promptly upon the incident being brought  
by an authorized supervisor of the Inspection Service employee to the attention  
of the operator of the establishment the operator (1) satisfactorily justifies  
the incident, (2) takes effective steps to prevent a recurrence, or (3) provides  
\* acceptable assurance that there will not be any recurrences. The suspension \*  
shall remain in effect until one of such actions is taken by the operator:  
Provided, That upon request of the operator he shall be afforded an opportunity  
for an expedited hearing to show cause why the suspension should be terminated.

#### Subpart F-Assignment and Authorities of Program Employees

##### § 381.30 Licensed or otherwise authorized inspectors.

Any person who is a Federal, State, Territory, or District of Columbia employee possessing proper qualifications may be authorized by the Administrator to inspect poultry and poultry products pursuant to the regulations. A license (for an indefinite or specified period) shall be issued to each such authorized Federal, State, Territory, or District of Columbia employee not employed in the Inspection Service.

##### § 381.31 Expiration, suspension or revocation and surrender of licenses.

(a) Whenever a licensed inspector leaves the employment of the Federal, State, or other agency in which he was employed when his license was issued, or he otherwise becomes unavailable to perform inspection under the regulations or the appropriate Inspection Service supervisor notifies him that his services are not needed to carry out such inspection, for reasons not involving any fault of the licensee, the license shall be deemed to expire. Licenses for a limited period shall also expire in accordance with their terms.

(b) The appropriate Inspection Service supervisor, after consultation with the Federal, State, or other agency may, in cases not under paragraph (a) of this section, whenever he deems such action necessary for the effective administration of the Act and the regulations, suspend any license issued pursuant to the regulations, to an employee of such Federal, State, or other agency, by giving notice of such suspension to the individual involved, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Administrator, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day



period and consideration of such argument and evidence, the Administrator will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked.

(c) Each license which is suspended or revoked or has expired shall be promptly surrendered to the appropriate Inspection Service supervisor.

#### § 381.32 Access to establishments.

Any duly authorized representative of the Secretary shall have access at all reasonable times, by day or night, whether the establishment is in operation or not, to the premises or any part thereof of an establishment engaged in processing poultry or poultry products for commerce, upon presentation of appropriate credentials.

#### § 381.33 Identification.

Each inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

#### § 381.34 Financial interest of inspectors.

(a) No inspector shall inspect any poultry or poultry product in which he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person with whom he is negotiating or has any arrangement concerning prospective employment, is financially interested.

(b) All inspectors are subject to statutory restrictions with respect to political activities; e.g., 5 U.S.C. 7324 and 1502.

(c) Violation of the provisions of paragraph (a) of this section or the provisions of applicable statutes referenced in paragraph (b) of this section will constitute grounds for dismissal in the case of appointees and for revocation of licenses in the case of licensees.

(d) Inspectors are subject to all applicable provisions of law and regulations and instructions of the Department and the Animal and Plant Health Inspection Service and other authority concerning employee responsibilities and conduct. The setting forth of certain prohibitions in this part in no way limits the applicability of such general or other regulations or instructions.

#### § 381.35 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: Provided, That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal, and such superior shall determine whether the inspector's

located when so detained, until released by an authorized representative of the Secretary: Provided, That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement. When the detention of such article is terminated, the owner, his agent, or the carrier or other person having custody of the article who was notified when the article was detained will receive notification of the termination. The notification "Notice of Termination of Detention" (Form MP-487)<sup>1</sup> shall be served either by delivering the notice to the person originally notified, or by certifying and mailing the notification addressed to such person, at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

- (a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or
- (b) Is capable of use as human food and is adulterated or misbranded; or
- (c) In any other way is in violation of the Act.

§ 381.216 Procedure for judicial seizure, condemnation, and disposition.

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

§ 381.217 Authority for condemnation or seizure under other provisions of law.

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

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<sup>1</sup> Copy filed with the Office of the Federal Register as part of the original document.



§ 381.218 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

Subpart V-Special Provisions for Designated States and Territories;  
Criteria and Procedure for Designating Establishments With  
Operations Which Would Clearly Endanger the Public Health;  
Disposition of Poultry Products Therein

§ 381.220 Definition of "State".

For purposes of this subpart, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

States	Effective date of application of Federal provisions
Arkansas.....	Jan. 2, 1971.
California.....	April 1, 1976.
Colorado.....	Jan. 2, 1971.
Connecticut.....	Oct. 1, 1975.
Georgia.....	Jan. 2, 1971.
Guam.....	Jan. 21, 1972.
Idaho.....	Jan. 2, 1971.
Kentucky.....	July 28, 1971.
Maine.....	Jan. 2, 1971.
Massachusetts.....	Jan. 12, 1976.
Michigan.....	Jan. 2, 1971.
Minnesota.....	Jan. 2, 1971.
Missouri.....	Aug. 18, 1972.
Montana.....	Jan. 2, 1971.
Nebraska.....	July 28, 1971.
Nevada.....	July 1, 1973.
New Jersey.....	July 1, 1975.
* New York.....	April 10, 1977. *
North Dakota.....	Jan. 2, 1971.
* Ohio.....	April 10, 1977. *
Oregon.....	Jan. 2, 1971.
Pennsylvania.....	Oct. 31, 1971.
Puerto Rico.....	Jan. 17, 1972.

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by an inspector as one producing adulterated poultry products which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Inspection Service. When it is determined by the Regional Director that any establishment preparing poultry products solely for distribution within any State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated poultry products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him 10 days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act as though engaged in commerce.

(3) Thereafter the inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated poultry products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Poultry products on hand at the time of designation of an establishment under this section are subject to retention or detention, and seizure and condemnation in accordance with § 381.145 or Subpart U of this part: Provided, That poultry products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any poultry products unless it first obtains inspection or qualifies for exemption under § 381.10 of this subpart. All other provisions of the regulations shall apply to establishments designated under this section to the same extent and in the same manner as if they were engaged in commerce, except that the exceptions provided for in § 381.222 shall apply to such establishments.

(Sec. 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 463; 76 Stat. 663, 7 U.S.C. 450; sec. 21(b), 62 Stat. 1160, as amended, 33 U.S.C. 1171(b); 29 F.R. 16210, as amended; 37 F.R. 6327 and 6505)

Subpart W - Rules of Practice Governing Proceedings  
Under the Poultry Products Inspection Act

Authority: 71 Stat. 447; 82 Stat. 803, 21 U.S.C. 463.

General

§ 381.230 Scope and applicability of rules of practice.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 6, 7, 8(d) and 18 of the Poultry Products Inspection Act (21 U.S.C. 455, 456, 457(d), and 467). In addition, the Supplemental Rules of Practice set forth in sections 381.232 through 381.234 of this Subpart shall be applicable to such proceedings.

(b) The rules of practice set forth in sections 381.235 and 381.236 shall be applicable to the suspension of assignment of inspectors for threats to forcibly assault or forcible assault, intimidation or interference with any inspection service employee pursuant to section 381.29 of the regulations (9 CFR 381.29) under the Poultry Products Inspection Act. In addition, the definitions applicable to proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply with equal force and effect to proceedings under sections 381.235 and 381.236 of this Subpart (9 CFR 381.235 and 381.236).

Supplemental Rules of Practice

§ 381.231 Refusal or withdrawal of inspection service under section 18(a) of the Act.

If the Administrator has reason to believe that the applicant for or recipient of service under the Act is unfit to engage in any business requiring such inspection because of any of the reasons specified in section 18(a) of the Act, he may institute a proceeding by filing a complaint with the Hearing Clerk, who shall promptly serve a true copy thereof upon each respondent, as provided in section 1.147(b) of the Uniform Rules of Practice (9 CFR 1.147(b)).

§ 381.232 Withdrawal of inspection service for failure of an establishment to destroy any condemned carcass or part thereof or any condemned poultry product.

(a) In any situation in which the Administrator has reason to believe that an establishment which receives inspection service under the Poultry Products Inspection Act has failed to destroy any condemned carcass or part thereof or any condemned poultry product, as required under section 6 of the Poultry Products Inspection Act (21 U.S.C. 455) and the regulations in this subchapter, he may notify the operator of the establishment, orally or in writing, of the Administrator's intent to withdraw (for such period or indefinitely as the Administrator deems necessary to effectuate the purposes of the Act) inspection service from the establishment, pursuant to section 18(b) of the Act (21 U.S.C. 467(b)), if the establishment fails to destroy the condemned articles involved, as specified in the notification, within three days



\* of the receipt of the notification by the operator of the establishment. In \*  
\* the event of oral notification, a written confirmation shall be given, as \*  
\* promptly as circumstances permit, to the operator of the establishment of the \*  
\* intent to withdraw inspection. The written notification or confirmation shall \*  
\* be served upon the operator of the establishment in the manner prescribed in \*  
\* § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)). \*

\* (b) If any establishment so notified fails to destroy any condemned \*  
\* carcass or part thereof or any condemned poultry product as specified in the \*  
\* notice, the Administrator may issue and file a complaint in accordance with the \*  
\* Uniform Rules of Practice. Effective upon service of the complaint, inspection \*  
\* service under the Act shall be withdrawn from such establishment as provided \*  
\* in section 18(b) of the Poultry Products Inspection Act (21 U.S.C. 467(b)), \*  
\* pending final determination in the proceeding. \*

\* § 381.233 Withholding use of marking, labeling or containers from use under \*  
\* section 8 of the Poultry Products Inspection Act. \*

\* (a) In any situation in which the Administrator determines that any \*  
\* marking or labeling or size or form of any container in use or proposed for \*  
\* use with respect to any article subject to the Poultry Products Inspection Act \*  
\* is false or misleading in any particular, he shall notify, in writing, the \*  
\* person, firm, or corporation using or proposing to use such marking, labeling, \*  
\* or container, that such use shall be withheld unless the marking, labeling, or \*  
\* container is modified in such a manner as the Administrator may prescribe so \*  
\* that it would not be false or misleading. \*

\* (b) The written notification shall briefly set forth the reason for \*  
\* withholding the use of the marking, labeling, or container, and shall offer the \*  
\* respondent an opportunity to submit a written statement by way of answer to the \*  
\* notification and a right to request a hearing with respect to the merits or \*  
\* validity of the withholding action. The written notification shall be served \*  
\* in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice \*  
\* (7 CFR 1.147(b)). \*

\* (c) Effective upon service of the notification, the use of the marking, \*  
\* labeling, or container shall be withheld, if the Administrator so directs. \*

\* (d) If any person, firm, or corporation so notified fails to accept the \*  
\* determination of the Administrator and files an answer and requests a hearing, \*  
\* and the Administrator, after review of the answer, determines the initial \*  
\* determination to be correct, he shall file with the Hearing Clerk the notifica- \*  
\* tion, answer and request for hearing, which shall constitute the complaint and \*  
\* answer in the proceeding, which shall thereafter be governed by the Uniform \*  
\* Rules of Practice. \*

\* § 381.234 Refusal or withdrawal of inspection service under the Poultry \*  
\* Products Inspection Act for failure to comply with requirements as to \*  
\* premises, facilities, equipment, or the operation thereof. \*

\* (a) In any situation in which the Administrator determines that the \*  
\* conditions of an establishment which is applying for inspection or receives \*  
\* inspection under the Poultry Products Inspection Act are such that there is a \*  
\* failure to comply with any requirements as to premises, facilities, equipment, \*  
\* or the operation thereof, as provided in section 7 of the Act (21 U.S.C. 456) \*  
\* and the regulations issued thereunder (9 CFR 381.1 et seq.), he shall refuse \*

\* to render inspection at the establishment. The Administrator shall notify the \*  
\* applicant or operator of the establishment, orally or in writing, as promptly \*  
\* as circumstances permit, of such refusal and the reasons therefor, and the \*  
\* action which the Administrator deems necessary to eliminate such conditions. \*  
\* In the event of oral notification, written confirmation shall be given, as \*  
\* promptly as circumstances permit, to the applicant or operator of the establish- \*  
\* ment in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice \*  
\* (7 CFR 1.147(b)). \*

\* (b) If any applicant or operator of an establishment so notified fails to \*  
\* take the necessary action to eliminate the conditions within the period \*  
\* specified in the notice, the Administrator may issue a complaint in accordance \*  
\* with the Uniform Rules of Practice. Effective upon service of the complaint, \*  
\* inspection service shall be refused or withdrawn from such establishment as \*  
\* provided in sections 7 and 18(b) of the Act (21 U.S.C. 456 and 467(b)) pending \*  
\* final determination in the proceeding. \*

\* Rules Applicable to the Suspension of the Assignment of \*  
\* Inspectors for Threats to Forcibly Assault or Forcible Assault, \*  
\* Intimidation or Interference With Any Inspection Service Employee \*

\* § 381.235 Notification to operator of establishment of incident. \*

\* In any situation in which a supervisor of an inspection service employee \*  
\* determines that the operator of any official establishment or any subsidiary \*  
\* therein, or any officer, employee, or agent of any such operator or any sub- \*  
\* sidiary therein, acting within the scope of his office, employment, or agency, \*  
\* has threatened to forcibly assault or has forcibly assaulted, intimidated or \*  
\* interfered with any inspection service employee, under his supervision, in or \*  
\* on account of the performance of the employee's official duties under the \*  
\* Poultry Products Inspection Act, he shall notify the operator of the establish- \*  
\* ment, orally or in writing, of the incident in accordance with section 381.29 \*  
\* of the regulations in this subchapter (9 CFR 381.29). \*

\* § 381.236 Procedure upon failure of operator of establishment to take action \*  
\* required by section 381.29 of the regulations. \*

\* (a) If any operator of an establishment, notified pursuant to § 381.235 \*  
\* (9 CFR 381.235), fails to promptly take any of the actions specified in \*  
\* section 381.29 of the regulations (9 CFR 381.29), the Administrator may suspend \*  
\* the assignment of inspectors at that establishment, in whole or in part, as the \*  
\* Administrator determines necessary to avoid impairment of the effective conduct \*  
\* of inspection service, by notifying the operator of the establishment, orally \*  
\* or in writing, of such suspension. In the event of oral notification, a \*  
\* written confirmation shall be given as promptly as circumstances permit to the \*  
\* operator of the establishment. The written notification or confirmation shall \*  
\* be served upon the operator of the establishment in the manner prescribed in \*  
\* § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)). \*

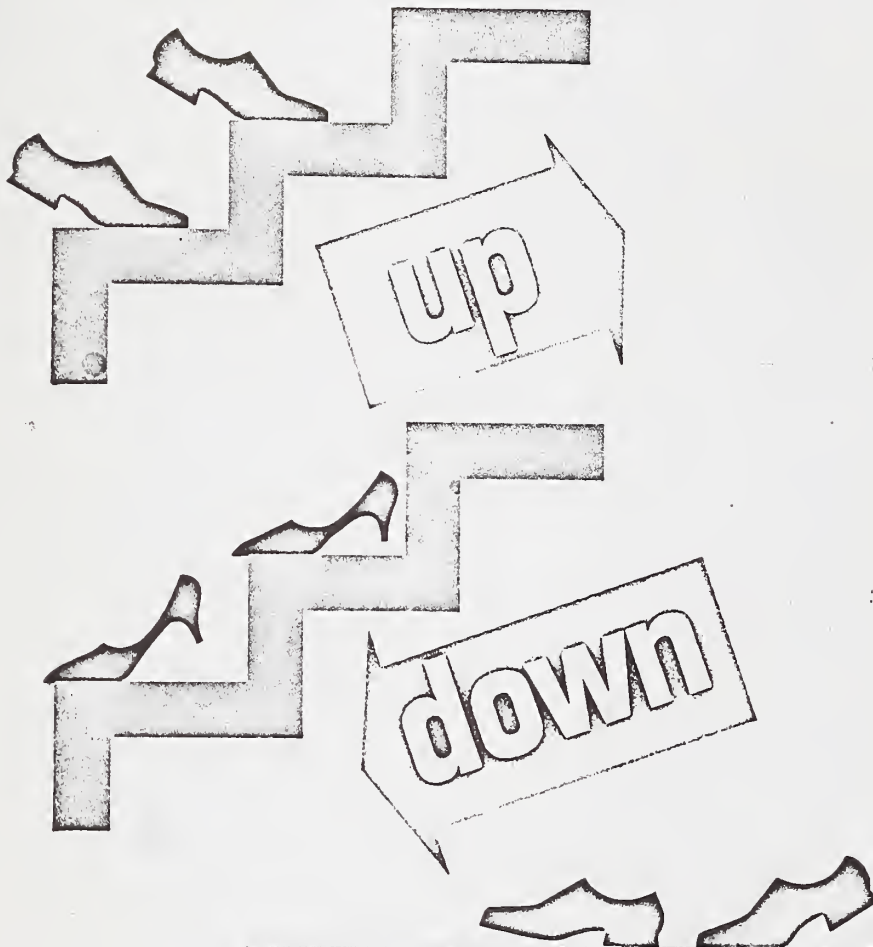
\* (b) The written notification or confirmation, specified in paragraph (a) \*  
\* of this section, which shall constitute the complaint in the proceeding, shall \*  
\* briefly set forth the reason for the suspension of the assignment of inspectors, \*  
\* including allegations of fact which constitute a basis for the action. The \*  
\* complaint shall offer the respondent the opportunity to submit a specific \*  
\* written statement by way of answer and the right to request a hearing with \*



\* respect to the merits or validity of the suspension action, and shall state the \*  
\* time within which answer by the respondent must be made, which shall not be \*  
\* less than 10 days after service of the complaint. At any time prior to the \*  
\* close of the hearing, the complaint may be amended; but, in case of an amend- \*  
\* ment adding new provisions, the hearing shall, on the request of the respondent, \*  
\* be adjourned for a period not exceeding 15 days, if the judge determines that \*  
\* such an adjournment is necessary to avoid prejudice to the respondent. \*  
\* (c) A copy of the complaint served upon the respondent shall be filed \*  
\* with the Hearing Clerk who shall assign the matter a docket number. \*  
\* (d) After the complaint is served upon the respondent, as provided in \*  
\* paragraphs (a) and (b) of this section, the proceeding shall thereafter be \*  
\* conducted in accordance with rules of practice which shall be adopted for the \*  
\* proceeding. \*



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